IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-11-2007

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.No.26400 of 2007
and
MP No.1 of 2007

M/s.ALC Industrial Training Centre
(Arcot Lutheran Church)
rep. By its Correspondent
B.Jesuadian
D.M.Compound, Kallakurichi 606 202,
Villupuram District .. Petitioner

vs

1.The Government of India
Ministry of Labour,
rep. By Directorate General of
Employment & Training
Sharam Shakti Bhavan
Rafi Marg, New Delhi 110 001.
2.Commissioner of Employment &
Training
Guindy, Chennai 600 032.
3.Regional Joint Director of
Training
Dept. of Employment & Training
Kaja Nagar, Trichy 620 020. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the first respondent contained in the order dated 25.5.2007 made in No.DGE&T/12/1/2007/TC and quash the same as contained in Sl.No.35 of the Enclosure insofar as it relates to the petitioner Management and consequently direct the respondents to grant permanent affiliation to the revised syllabus for 2004-2006 session of the (Mechanic Motor) Vehicle trade course of study towards the revised syllabus.

For Petitioner : Mr.G.Thilakavathi
For Respondents : Mr.S.Gopinathan
Additional Government Pleader

ORDER

The petitioner seeks a writ of certiorarified mandamus to quash the order of the first respondent dated 25.5.2007, made in No.DGE&T/12/1/2007/TC as contained in Sl.No.35 of the Enclosure

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insofar as it relates to the petitioner Management and consequently direct the respondents to grant permanent affiliation to the revised syllabus for 2004-2006 session of the (Mechanic Motor) Vehicle trade course of study.

2.The affidavit in support of the petition and counter affidavit are perused. The Court heard the learned Counsel on either side.

3.The case of the petitioner in short is that the petitioner institution is a charitable organization; that permission for establishment of the trades of mechanic motor vehicle of two basic units was applied for, and it was also granted by the first respondent by order dated 3.5.2000; that the petitioner management also sought permission for imparting the trade of electrician in 1998 session in two units; that the same was also approved by the first respondent by order dated 13.8.1998; that while the matter stood thus, the first respondent by proceedings dated 3.7.2003, introduced the revised upgraded syllabus for the trade of mechanic refrigeration and air-conditioning as well as mechanic motor vehicle; that as per the orders of this Court, the petitioner filed a compliance report and sought for a direction in WP No.12903 of 2007 to the respondents for grant of permanent affiliation to the revised syllabus of the MMV trade course of study for 2004-2006; that there was an order passed by this Court in that writ petition directing the authority to consider the compliance report within a period of six weeks therefrom; that without considering the same, the second respondent has placed the report before the first respondent for orders on 6.2.2007; that it has also been done by way of rejection of the application for affiliation, and under the circumstances, this writ petition came to be filed.

4.From the counter filed by the respondents, it would be quite clear that the compliance report filed by the petitioner management, was considered by the respondents 2 and 3; that now, it has been forwarded to the first respondent on 7.5.2007, and it is yet to be considered.

5.The factual position is that originally, when an order was passed, the petitioner was given an opportunity to place the report within the stipulated time, and it was also accordingly done, and after considering the same, the respondents 2 and 3 should have placed the report before the first respondent; but, they have acted even prior to that. Thus, it would be quite clear that the compliance report placed by the petitioner management, was not considered by the respondents 2 and 3, and even without that, they have placed the report before the first respondent. Under the circumstances, without any hesitation the order of the first respondent dated 25.5.2007, insofar as it relates to the petitioner management, has got to be set aside. Accordingly, it is set aside.

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6.Now, it is brought to the notice of the Court that the respondents 2 and 3 on the basis of the compliance report filed by the petitioner management, have placed a report before the first respondent. Under the circumstances, there is no impediment in issuing a direction to the first respondent to consider the same and pass suitable orders on the application for affiliation made by the petitioner management as expeditiously as possible preferably within a period of 12 (twelve) weeks herefrom. Accordingly, a direction is issued, and this writ petition is disposed of. No costs. Consequently, connected MP is closed.

12-11-2007

nsv/

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To:

1.The Directorate General of
Employment & Training
Government of India
Ministry of Labour,
Sharam Shakti Bhavan
Rafi Marg, New Delhi 110 001.
2.The Commissioner of Employment &
Training
Guindy, Chennai 600 032.
3.The Regional Joint Director of
Training
Dept. of Employment & Training
Kaja Nagar, Trichy 620 020.

1 cc to M/s.G.Thilakavathi, Advocate, SR.67111
1 cc to Government Pleader, SR.67089

vg (co)

dv/22.11.07

WP No.26400 of 2007

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